remarks

In view of the following discussion, the Applicants submit that none of the claims now pending in the application is obvious under the provision of 35 U.S.C. § 103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 3, 4, 8, 10 AND 11 UNDER 35 U.S.C. § 103

The Examiner has rejected claims 3, 4, 8, 10 and 11 in the Office Action under 35 U.S.C. § 103 as being obvious over Lin et al. (US Patent 5,999,610, issued December 7, 1999, hereinafter referred to as "Lin"). Applicants respectfully traverse the rejection.

Lin teaches a method for managing communications between a service origination node and a plurality of serving nodes where the serving nodes are simultaneously active for a particular trigger to thereby generate a reply to the service origination node. (See Lin, Abstract.) Lin discloses an AIN comprising at least one SSP connected through data links to the MP which is connected through data links to one or more SCPs. (See Lin, Col. 5, lines 35-51.) The SSP responds to a trigger which occurs either during originating of call processing or during terminating of call processing. (*Id.*) The SCPs have typical responses that are used for developing controlling algorithms. (See Lin, Col. 8, lines 1-16.)

The Examiner's attention is directed to the fact that Lin fails to teach or to suggest the novel concept of <u>deriving at the SIM device a service code based on the call information, wherein said deriving includes providing interworking between two different network protocols in plural network elements,</u> as positively claimed by the Applicants. Specifically, Applicants' amended independent claims 3, 4, 8 and 10 positively recite:

> 3. A method for managing multiple communications between a control point and a plurality of network elements in a telecommunications network, comprising:
> receiving at a Service Interaction Media (SIM) device call information associated with a call at one of said network elements;
> <u>deriving at the SIM device a service code based on the call information;</u>
> formulating a service session with the one network element based on the service code, and

Page 2

controlling operation of the one network element in response to the service session to generate an integrated reply to the control point

wherein said deriving includes providing interworking between two different network protocols in plural network elements, and

wherein said receiving comprises receiving the call information through an out-of-band signaling interface. (Emphasis added.)

4. A method for managing multiple communications between a control point and a plurality of network elements in a telecommunications network, comprising:

receiving at a Service Interaction Media (SIM) device call information associated with a call at one of said network elements;

deriving at the SIM device a service code based on the call information;

formulating a service session with the one network element based on the service code, and

controlling operation of the one network element in response to the service session to generate an integrated reply to the control point

wherein said deriving includes providing interworking between two different network protocols in plural network elements, and

wherein the two different network protocols are selected from the group consisting of Signaling System 7 (SS7), Integrated Services Digital Network User Port (ISUP), Basic Rate Interface (BRI), Primary Rate Interface (PRI), Simple Internet Protocol – TCAP/Telecom (SIP-T) and Bearer Independent Call Control (BICC). (Emphasis added.)

8. A method for managing multiple communications between a control point and a plurality of network elements in a telecommunications network, comprising:

receiving at a Service Interaction Media (SIM) device call information associated with a call at one of said network elements;

deriving at the SIM device a service code based on the call information;

formulating a service session with the one network element based on the service code, and

controlling operation of the one network element in response to the service session to generate an integrated reply to the control point

wherein said deriving includes providing interworking between two different network protocols in plural network elements,

wherein said formulating includes formulating the service session with plural network elements, and accessing the network elements in parallel. (Emphasis added.)

10. A method for managing multiple communications between a control point and a plurality of network elements in a telecommunications network, comprising:

receiving at a Service Interaction Media (SIM) device call information associated with a call at one of said network elements;

deriving at the SIM device a service code based on the call information;

formulating a service session with the one network element based on the service code, and

controlling operation of the one network element in response to the service session to generate an integrated reply to the control point
<u>wherein said deriving includes providing interworking between two different network protocols in plural network elements</u>, and
wherein said deriving the service code includes classifying the call information. (Emphasis added.)

In one embodiment, Applicants' invention provides a method of <u>deriving at a SIM device a service code based on the call, wherein the deriving includes providing interworking between two different network protocols in plural network elements</u>. Namely, the service code table contains comprehensive lists of service interaction scenarios thus allowing feature interaction to be defined within the network. Additionally, the SIM provides interworking between various network protocols or interfaces, e.g., SS7, ISUP, BRI, PRI, SIP-T, BICC and the like. (See Applicants' specification, paragraphs 16-17)

In contrast, Lin teaches determining which SCP to query based on a method that utilizes controlling algorithms based on the typical responses of the SCP. (See Lin, col. 8, lines 1-16.) Furthermore, Lin teaches applying the controlling algorithm to an AIN that has multiple SCPs and **not different** service nodes, intelligent peripherals or other databases as disclosed in the Applicants' invention. (See Lin, Col. 5, lines 35-51.) Thus, Lin is inoperative to make Applicants' invention obvious because there is no teaching or suggestion of a SIM that is capable of <u>deriving at a SIM device a service code based on the call, wherein the deriving includes providing interworking between two different network protocols in plural network elements</u>.

The Examiner conceded that this is not taught by Lin. However, the Examiner cited Lin's background (Column 1, lines 20-25 and Col2, lines 10-15) as teaching the interworking of two different protocols. The Examiner is incorrect. Lins states that:

> The AIN is a network architecture used by all modern telephone switching systems in the United States. The AIN is applicable to all telecommunications networks (e.g. Public Switched Telephone Networks (PSTNs) including Integrated Services Digital Networks (ISDNs)), narrowband, broadband, packet-switched public data networks, and mobile telephone networks. (Lin, Column 1, lines 20-25)
>
> Each trigger 116 generates a query in the form of a data packet launched by the SSP 104 to the SCP 108 to ask for instructions on how to handle the call and obtain the

Page 4

required call handling information. The data packet is first sent via bidirectional data links 118 utilizing the Signaling System 7 (SS7) protocol to the STP 106. (Lin, Column 2, lines 10-15)

The Examiner's attention is directed to the fact that Lin completely fails to teach or suggest a SIM that is capable of <u>deriving at a SIM device a service code based on the call, wherein the deriving includes providing interworking between two different network protocols in plural network elements</u>. It appears that the Examiner is relying on the fact the Lin states that "the AIN is applicable to all telecommunications networks." However, Lin does not states that these types of networks are all part of a single AIN. For example, AIN can be applicable to <u>each</u> type of such networks, but not necessarily a combination of these network types. The Examiner cites "inherency" for support of the obviousness rejection.

"To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by person of ordinary skill.'" **In re Robertson**, Slip Op 98-1270 (Fed. Cir. February 25, 1999) **citing Continental Can Co. v. Monsanto Co.**, 948 F.3d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed Cir. 1991). "Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result for a give set of circumstances is not sufficient." <u>Id</u>. **citing Continental Can Co. v. Monsanto Co.**, 948 F.3d 1264, 1269, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991).

Clearly, the cited sections in Lin by the Examiner fail to meet the inherency standard as described above. Namely, the passage in Lin, cited by the Examiner, does <u>not</u> teach that all telecommunication networks are applicable or operable in <u>the same AIN</u>. Therefore, the Applicants respectfully submit that the Examiner has used impermissible hindsight in interpreting Lin. As such, the service code table disclosed by the Applicants' invention teaches a novel method of accessing different networks and is not rendered obvious by Lin.

Therefore, Applicants respectfully submit that independent claims 3, 4, 8 and 10 are clearly patentable and not rendered obvious by Lin. Furthermore, dependent claim 11 depends from claim 10 and recites additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claim 11 is also patentable and

not rendered obvious by Lin. As such, the Applicants respectfully request the rejection be withdrawn.
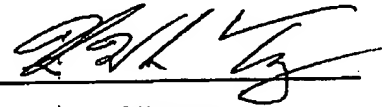
Conclusion

Thus, the Applicants submit that all of these claims now fully satisfy the requirement of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

_10/28/04_

Moser, Patterson & Sheridan, LLP
595 Shrewsbury Avenue
Shrewsbury, New Jersey 07702

Kin-Wah Tong, Attorney
Reg. No. 39,400
(732) 530-9404

Page 6